BILL NO. G-78-03-26

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 GENERAL ORDINANCE NO. G- 11-78

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

The East-West alley from the East right-of-way line of Clinton Street to the West right-of-way line of Barr Street, lying between Lots 40 through 47 on the North and Lots 76 through 83 on the South, all in Hamilton's Second Addition to the City of Fort Wayne, according to the recorded plat thereof.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

APPROVED AS TO FORM
AND LEGALITY!

CITY ATTORNEY

Read the fi	rst time in full and	on motion by	V. Dep	niell, seconded	ру
· Sfin	and duly	adopted, read	the second time b	y title and referred	to the
Committee on	G agu	lettino	(and the City	7 Plan Commission f	or
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of	, 19.	_, at	o'clock	M.,E.S.T.	
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seconded by	dtier			aced on its passage	•
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Bill No. 1-78-03-26

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REPORT OF THE COMMITTEE ON REGULATIONS

RECEIPT Date Jet 7

1978 No. 10106

Received from Address 2 400 th. Jord Haynet Jett Sunk Blay
Address 2 400 th. Jord Haynet Jett Sunk Blay
Dollars \$ 50.00

ACCOUNT HOW PAID

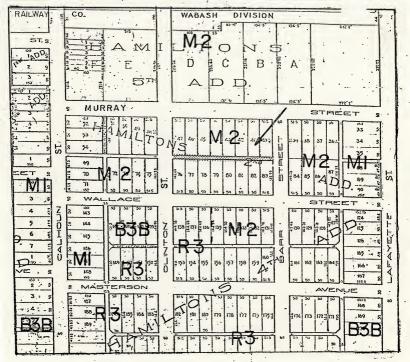
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TO VACATE ALLEY

MAP NO. M2

BY M.F.C. 2-8-78

### PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

THE COMMON COUNCIL
CITY OF FORT WAYNE, INDIANA

#### Gentlemen:

The undersigned do hereby respectfully petition the Plan

Commission and the Common Council of the City of Fort Wayne to vacate

the following alley within the City of Fort Wayne described as follows:

The East-West alley from the East right-of-way line of Clinton Street to the West right-of-way line of Barr Street, lying between Lots 40 through 47 on the North and Lots 76 through 83 on the South, all in Hamilton's Second Addition to the City of Port Wayne, according to the recorded plat thereof.

Your Petitioners represent that:

- They are the owners of all the lots abutting said alley herein sought to be vacated.
- 2. That said alley has never been improved or opened to the public, but that in fact a large building was built upon said alley more than fifty (50) years ago and still remains.
- 3. No other person, firm or corporation is interested in or affected by the requested vacation and that the land included in said alley has no value to anyone, other than the Petitioners.
- 4. The continued existence or maintenance of said alley is neither necessary nor advantageous in any manner to the growth of the City of Fort Wayne and that, in fact, it would be to the best interests of said City and the citizens thereof, we well as the immediately adjoining property owners, that said alley be vacated as prayed.

WHEREFORE, your Petitioners pray that the alley above-described be vacated according to the provisions of the Indiana law pertaining thereto.

Holman Hamilton

Helman Hanneton

Holman Hamilton, as Trustee, and as Attorney in Fact for Mary Maddocks Liles under Power of Attorney dated June 15, 1976, recorded as Document No. 77-036620 in the Office of the Recorder of Allen County, and as Attorney in Fact for W. Rush G. Hamilton, Taber Hamilton, Jr., and Phoebe H. Soule, under Power of Attorney dated June 25, 1976, recorded as Document No. 77-036621 in the Office of the Recorder of Allen County.

W. Rush G. Hamilton, as Trustee

SHOAFF, KEEGAN, BAIRD & SIMON By: David A. Scott 2400 Fort Wayne National Bank Bldg. Fort Wayne, Indiana 46802 Tel: 219/423-4492

Attorneys for Petitioners.

#### EXHIBIT "A"

With respect to the following alley within the City of

## Fort Wayne:

The East-West alley from the East right-of-way line of Clinton Street to the West right-of-way line of Barr Street, lying between Lots 40 through 47 on the North and Lots 76 through 83 on the South, all in Hamilton's Second Addition to the City of Fort Wayne, according to the recorded plat thereof,

the following is a list of the owners of all the lots abutting said alley:

Mary Maddocks Liles	1/20th
W. Rush G. Hamilton	5/24ths
Taber Hamilton, Jr.	2/15ths
Phoebe H. Soule	2/15ths
Holman Hamilton	1/40th
W. Rush G. Hamilton,	
Trustee	3/40ths
Holman Hamilton, Trustee	3/8ths

## RESOLUTION 65-311-14

WHEREAS, W. RUSH G. HAMILTON as Trustee for HOLMAN HAMILTON has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley located in Fort Wayne, Allen County, Indiana, to-wit:

The east-west alley from the east right-of-way line of Clinton Street to the west right-of-way line of Barr Street, lying between Lots 40 through 47 on the north and Lots 76 through 83 on the south, all in Hamilton's Second Addition to the City of Fort Wayne, according to the recorded plat thereof.

WHEREAS, said vacation of deciated alley has been submitted to and approved by the following department of the City of Fort Wayne:

Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Park Board, Electrical Engineering, and through Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described be and the same is hereby approved. The vacation of said dedicated alley shall not have the effect of depriving any public utility using and occupying said dedicated public alley at this time of the use of said dedicated public utility easement for the location and operation of its utility facilities.

APPROVED.

DATED THIS M DAY OF May, 1978

Henry Wighrenberg, Chariman

Ethel H. LaMar, Member

May 6 Scott Member

## RESOLUTION

WHEREAS, W. RUSH G. HAMILTON as Trustee for HOLMAN HAMILTON petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

The east-west alley from the east right-of-way line of Clinton Street to the west right-of-way line of Barr Street, lying between Lots 40 through 47 on the north and Lots 76 through 83 on the south, all in Hamilton's Second Addition to the City of Fort Wayne, according to the recorded plat thereof.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 17, 1978, at 7:30 o'clock P.M., and at cush hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan
Commission that the vacation of said alley hereinbefore described conforms
to the general policy pattern of development set out in the Master Plan of
the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City
Plan Commission be forwarded to the proper governing body having jurisdiction
of the vacation of alleys in Alley County, Indiana.

STATE OF INDIANA)	
COUNTY OF ALLEN	SS

I, <u>Luben Lazoff</u>, Secretary of the Fort Wayne
City Plan Commission, do hereby certify that attached hereto is a full, true
and correct copy of a resolution adopted by the Fort Wayne City Plan Commission
following a public hearing of said Commission held April 24, 1978, and as
the same appears of record in the official records of said Plan Commission.

DATED THIS 27th DAY OF April ,1978
FORT WAYNE CITY PLAN COMMISSION

Luben Lazoff Secretary

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Admn. Appr.\_\_\_\_

# DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance	4-78-03-26
DEPARTMENT REQUESTING ORDINANCE Long Range	Planning & Zoning - CD&P
SYNOPSIS OF ORDINANCE The East-West alley from	
line of Clinton Street to the West right-of-	
lying between Lots 40 through 47 on the North	h and Lots 76 through 83 on
the South, all in Hamilton's Second Addition	to the City of Fort Wayne.
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EFFECT OF PASSAGE If vacated the property wi	ll be utilized by the abutting
property owners.	
EFFECT OF NON-PASSAGE Property will remain of	ppen and unimproved.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)_	None
ASSIGNED TO COMMITTEE (J. N.)	
ASSISTED TO COMMITTEE (C.T.)	



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

May 12, 1978

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of May 16 and May 23, 1978, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Bill No. Z-78-02-10

Zoning Map Ordinance No. Z-09-78

Bill No. G-78-03-26

General Ordinance No. G-11-78

Please send us 10 (10) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

W. Utesterman

City Clerk

CWW/ne ENCL: 1



#### LEGAL NOTICE

## OF THE COMMON COUNCIL, FORT WAYNE, INDIANA

Notice is hereby given that on the 8th day of May, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-78-02-10 ---Zoning Map Ordinance No. Z-09-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N22

Notice is hereby given that on the 8th day of May, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-78-03-26 --- General Ordinance No. G-11-78 being AN ORDINANCE amending General Ordinance No. G- 97 by authorizing the vacation of a certain alley

I. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-78-02-10 -- Zoning Map Ordinance No. Z-09-78 and that Bill No. G-78-03-26 -- General Ordinance No. G-11-78 were passed by the Common Council on the 8th day of May, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 11th day of May, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 11th day of May, 1978.

Charles W. Westerman

City Clerk

Copies of said Bill No. Z-78-02-10 -- Zoning Map Ordinance No. Z-09-78 and Bill No. G-78-03-26 -- General Ordinance No. G-11-78, are posted in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wavne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. Z-78-02-10 -- Zoning Map Ordinance No. Z-09-78 and Bill No. G-78-03-26 -- General Ordinance No. G-11-78, are also available for reading in the following public places in Fort Wayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room, 122/-City-County Building, Fort Wayne, Indiana hulles W. Weslerman

Charles W. Westerman City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above in 1847 187, 1978.

Charles W. Westerman, City Clerk

Form Prescribed	by State Board of Accoun	nts	1 1 1 1		5
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Total number of lines in notice  Total number of lines.	Body	number of lines				69
MPUTATION OF CHARGES  7// lines, 1 columns wide equals. 7// equivalent lines at 252/2 cents per line  Additional charge for notices containing rule or tabular work (50 per cent of above amount)  Charge for extra proofs of publication (50 cents for each proof in excess of two)  TOTAL AMOUNT OF CLAIM  TA FOR COMPUTING COST  9,9  Width of single column 15 ems  Number of insertions. 2 Size of quad upon which type is cast. 5 cereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all dila, and that no part of the same has been paid.  THE LALLY  PUBLISHER'S AFFIDAVIT  SIZE OF THE CLERK  PUBLISHER'S AFFIDAVIT  SIZE OF THE CLERK  PUBLISHER'S AFFIDAVIT  SIZE OF THE CLERK  PUBLISHER'S AFFIDAVIT  SIZE OF THE MAYNE, INDIANA In state and county aforesaid, and that the printed matter attached hereto is a true which was duly published in said paper for 2 time. 5, the dates of publication is a follows:  5/16-23/78  Subscribed and sworn to before me this. 2372/stay of Notary Public in the English language in the city?  Notary Public	Tail	number of lines				2
Additional charge for notices containing rule or tabular work (50 per cent of above amount)  Charge for extra proofs of publication (50 cents for each proof in excess of two)  TOTAL AMOUNT OF CLAIM  TA FOR COMPUTING COST  Width of single column W ems  Number of insertions 2. Size of type 5½ point  Number of insertions 2. Size of quad upon which type is east. 5½  resuant to the provision and penalties of Ch. 89, Acts 1967,  receby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all dits, and that no part of the same has been paid.  Title CLERK  PUBLISHER'S AFFIDAVIT  SILEMAN ACH COPT OF TISEMENT HERE  Subscribed and sworn to before me this 23 Titles at true which was daily published in said paper for 2 time 3, the dates of publication is follows:  Subscribed and sworn to before me this 23 Titles at true which was daily published in said paper for 2 time 3, the dates of publication is follows:  Subscribed and sworn to before me this 23 Titles at the My commission expires September 28, 1079  My commission expires September 28, 1079		Total number of line	s in notice			74_
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Form Prescribed by State Board of	Accounts	General Form I	No. 99 P (Rev. 1967)
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NOTICE OF THE COMMON COUN-	County, Ind.   FORT WAYNE, INDIANA		
Common Council of Fort Wayne  Government: Lift  Allen  County, Ind.  FURLSHEE'S CLAIM  LINE COUNT  Display Mailer (West not exceed two schall lines neither of which shall total more manner of equivalent lines of the type in which the body of the advertisement is set)  Bloody number of lines  Fold number of lines  Total	<b>t</b>		
diana, in a Regular Session did pass the following Bill No. 2-78-02-10, Zon-ing Map Ordinance No. 2-09-78 being AN OPPINANCE amendian Chief	es of Ch. 89, Acts 1967,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Fort Wayne Zoning Map. N22. Notice is hereby given that on the at the foregoing accept day of May. 1978. the Common part of the same has	ount is just and correct, that the	e amount claimed is legally due, after	allowing all just
diana, in a Rugular Session did pass the following Bill No. G-78-03-26— 'General Ordinance No. G-11-78 being	Date of the second of the	0.5	1401
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.		Upulla V	e hald
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. 278-02-10, Zoning Map Ordinance No. 2-09-78	e l'Te	Title CLERK	
and that Bill No. G-78-03-26. General Ordinance No. G-11-78 were passed by the Common Council on the 8th	PUBLISHER'S AFFI	DAVIT	
nances were duly signed and ap- proved by the Mayor on the 11th day of May, 1978, and now remains on file	ALLEN Indiana County } ss:		
and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indi-	Personally appeared before	e me, a notary public in and for said cou	inty and state, the
CHARLES W. WESTERMAN City Clerk	that she is	CLERK who, being	duly sworn, says
Copies of said Bill No. Z-78-02-10 Zoning Map Ordinance No. Z-09-78 and Bill No. G-78-03-26 General Or-	JOURNAL-(	GAZETTE	
following places in Fort Wayne, Allen County, Indiana. (1) The main floor fether of the CH COPY OF	in the English language in	newspaper of general circulation pris	ited and published
City-County Building (2) The bulletin board in the lobby of the Downtown Fort Wayne Public	in state and county aforesai	d, and that the printed matter attached her	reto is a true copy.
		said paper for time_S_, the dates of	publication being
Copies of said Bill No. Z-78-02-10 — Zoning Map Ordinance No. Z-09-78 and Bill No. G-78-02-05		5/16-23/78	
dinance No. G-11-78, are also avail- able for reading in the following public places in Fort Wayne, Indiana	***************************************	Unilla D	* Hald
(4) The Reference Room in the north end of the main floor in said Downtown Public Library	Subscribed and sworn to be		19.78
Council Proceedings in the Office of		Notary Public	A MAN
Council Proceedings in the Office of the City Cierk of Fort Nayme, ind ana. Room 122 City-County Building. Fort Wayne, Indiana. CHARLES W. WESTERMAN CHECK CITY CIERK	My commission expires	S eptember 28, 1979	
I. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, ful- filled and posted the above Ordi-		14	seed to
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, ful- illied and posted the above Ordi- nances in the designated places as stated above on high II, first CHARLES W. WESTERMAN CITY CITY OF THE STATE OF T			
3/10/23			

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in state and county afor	esaid, and that the pr	inted matter s	ttached hereto	is a true
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